



Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 21st February 2013

Subject: Application 12/03250/FU – Change of use of vacant public house to community and welfare centre with ancillary accommodation and additional car parking at The Lingfield, Lingfield Drive, Moortown, LS17 7EL

APPLICANT

UKIM Leeds

DATE VALID

8th August 2012

TARGET DATE

3rd October 2012

Electoral Wards Affected: Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Time limit for commencement of development
2. Approved plans.
3. Opening hours restricted to 8.30am – 10.30pm, except during the month of Ramadan, when opening hours shall be restricted to 8.30am – 12.00 midnight.
4. At those times when building is to be used after 10.30pm its use shall be subject to a management plan including: restriction of visitor numbers to no more than 65, use restricted solely to prayer room, measures to encourage visitors to leave the site promptly and quietly once prayers have ended. Management plan to be submitted and approved prior to commencement of use.
5. Delivery hours restricted to 7.30am-6.30pm.
6. No music or amplified sound to be projected to outside areas, and no use of public address systems within the building.
7. Outdoor paved area to west of building's main entrance not to be used for any activities associated with the centre outside the hours of 8.30am – 7.00pm.
8. Lighting only to be installed in accordance with details submitted as part of application, and to be positioned and screened to prevent light spillage and glare to

neighbouring properties. Details to be submitted and approved if any further lighting is to be installed.

9. Sound insulation scheme for building.
10. Details of any extraction, ventilation or air conditioning equipment to be submitted and approved, including any equipment to remove cooking odours from kitchen area.
11. Close-boarded timber fence to be installed along northern and eastern site boundaries prior to commencement of use and retained as such thereafter. Notwithstanding submitted details, fence to be 2m high.
12. Details of signage encouraging visitors to leave premises and site quietly.
13. Bin storage and provision, including litter bins.
14. No marquees or temporary buildings (including facilities such as bouncy castles) to be placed within the grounds at any time and no benches in areas more than 5m from the building.
15. Building not to be used for weddings or other functions.
16. Parking spaces to be marked out prior to commencement of use and retained as such thereafter.
17. Details of cycle parking, and provision of cycle parking prior to commencement of use.
18. Centre to be laid out internally in complete accordance with submitted floor plans (quoting plan reference numbers), and internal areas shall only thereafter be used for the purposes stated on these approved plans.
19. Details of access ramp and steps, including width, gradient, design of ramp and design, materials and colour of handrails.
20. Landscaping – detailed proposals, specifications, implementation programme and timescales, management and maintenance for 5 years.
21. Scheme for community use.

Informatives

Need to ensure compliance with Building Regulations, Fire Regulations, Health and Safety etc.

Reasons for approval

The application is considered to comply with policies GP5, SA7, N25, T2, T5, T6, T24, BD6 and LD1 of the Leeds Unitary Development Plan Review, as well as guidance contained within the National Planning Policy Framework and Circular 11/95: The use of Conditions in Planning Permissions. Having regard to these policies and guidance and all other material planning considerations, including those raised by Ward Members and local residents making representations on the proposals, it is considered on balance that the proposals are acceptable.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillors Buckley, Cohen and Harrand on the grounds of concerns regarding parking, the hours of use of the building, and public/community access to the building. The Ward Members have also requested a site visit by Plans Panel Members.
- 1.2 Permission is sought by the applicants, the UK Islamic Mission, for the change of use of a vacant former public house on Lingfield Drive in Moortown into a community and welfare centre.

2.0 PROPOSAL:

- 2.1 Full permission is sought for the change of use of a former public house, The Lingfield, which has been vacant for several years, into a community and welfare centre. No external alterations are proposed to the building itself, although some changes are proposed to the areas around the building to provide car parking for the centre and provide landscaping and screening around the site boundaries. Some external security lighting is proposed to be attached to the building, but no freestanding lighting is proposed within the car parking areas.
- 2.2 At ground floor level, the centre is proposed to include a prayer room, incorporating a folding partition allowing its subdivision into two separate rooms, a multi-purpose community room, and a gym with a changing room and showers, together with toilet and kitchen facilities. To the first floor, the building would house a library, IT suite and training room/office, as well as a 2 bedroom caretaker's apartment.
- 2.3 Details submitted with the application advise that the centre is proposed to be used for a variety of purposes, including:
- Prayer/religious groups
 - Elderly day care facilities, youth groups, women's groups.
 - Community meeting rooms
 - Counselling facilities
 - Access to job search and IT facilities
 - Educational uses
 - Gym
- 2.4 In terms of the operation of the building, the submitted details advise that the community/meeting rooms would be lettable on a one-off or regular basis, with a discount offered to groups based within the LS17 area, that the centre would provide free wi-fi as well as the IT facilities proposed. The details state that the gym would be available for anyone to use on a drop-in basis, with separate men's/women's days, but that the opening schedule of the gym would depend on staff and volunteer availability.
- 2.5 The proposed opening hours of the centre are 8.30am to 11.00pm, 7 days a week, with the peak times expected to be after school hours and into the evening. However, the applicants have confirmed that at certain times during Ramadan the prayer hall could be in use until up to 12 midnight. On the basis of the submitted plans of the building, it is estimated that the maximum capacity of the areas of the building open to visitors would be around 250 people, although the submitted details advise that the centre would be managed to prevent the use of the building by than two large groups at the same time, and that the maximum number of people likely to be present at any one time is around 160. At those times when the centre would be open later, during Ramadan, only the prayer room is proposed to be in use, thereby limiting visitor numbers to around 70 at these times.
- 2.6 In terms of access and parking for the centre, it is proposed to retain the two existing vehicular access points into the site – one from Lingfield Drive to the south and one from Lingfield Hill to the west – and to provide 73 parking spaces within the site, including 5 disabled parking spaces. 12 covered cycle parking spaces are also proposed to the south of the building. A separate pedestrian access point from Lingfield Hill is also to be retained.

- 2.7 The main entrance to the building would be in the western elevation, where a new access ramp is proposed to provide level access for visitors. Improvements are also proposed to the external steps between this entrance and the parking area to the north in line with relevant guidance relating to access for disabled people.
- 2.8 New 1.8m high close-boarded timber fencing and a border of new tree and shrub planting are proposed along the northern and western boundaries of the site, between the parking areas and neighbouring houses/gardens and the area of greenspace to the north east. The southern and western site frontages along Lingfield Drive and Lingfield Hill are to be enclosed by brick walls with railings for which permission was granted in January 2012, and which are currently under construction. These boundary treatments replace an unauthorised palisade fence erected without planning permission, the southern and western sections of which were the subject of enforcement action and have now predominantly been removed. The remaining eastern and northern parts of the fence, being lower than 2m in height and not adjacent to a highway, are permitted development and therefore were not the subject of the enforcement action, but are to be replaced by the proposed timber fence referred to above.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Lingfield public house, a large brick building located at the junction of Lingfield Drive and Lingfield Hill in Moortown. The building itself is located in the central part of the site, and surrounded by areas of hardstanding which formerly served as the car parking areas for the pub. The building has been vacant for a number of years, and is boarded up at present.
- 3.2 The site was formerly enclosed by low brick walls along its frontages with Lingfield Drive and Lingfield Hill, although works are currently taking place to provide a higher wall, with railings, along these site frontages, replacing an unauthorised metal palisade fence which was installed in late 2010 and was subsequently the subject of enforcement action. The palisade fencing which has been installed along the northern and eastern boundaries, which falls within the limits of permitted development and therefore was not the subject of any further action, remains in place, with planting and hedges within the gardens of neighbouring residential properties beyond. A number of trees which formerly stood within the north eastern part of the site have now been removed, although a number of trees remain within the area of greenspace to the north east, which is accessed via a footpath which runs alongside the northern boundary of the site.
- 3.3 The surrounding area is residential in character, although there is a small parade of shops to the south, which have a small lay-by to the front, providing parking for their customers. Surrounding properties vary in their scale and design, with semi-detached houses to the west, south and north west, and three storey flat blocks to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Permission was granted in January 2012 to increase the height and add railings to the boundary wall along Lingfield Drive and Lingfield Hill site frontages, with planting behind, in January 2012 (application 11/03719/FU) . This application was submitted and approved following the serving of an enforcement notice requiring the removal of an unauthorised metal palisade fence erected around the site in 2010 and the subsequent refusal of an application to retain the unauthorised fence (application 11/00308/FU) on the grounds that it was uncharacteristic and incongruous within

this residential area. The majority of the unauthorised fencing along the southern and western boundaries has now been removed, and works to replace this with the raised wall and railings are ongoing. As noted above, the remaining sections of the palisade fence, along the northern and eastern site boundaries, fall within the limits of permitted development, were not covered by the enforcement notice, and remain in place.

4.2 Permission for the demolition of the pub and the construction of 20 houses on the site and part of the area of greenspace to the north east was refused in April 2010 for a number of reasons, including overdevelopment, visual and residential amenity, highway safety, and lack of provision for affordable housing (application 09/04818/FU).

4.3 All other planning history relates to alterations and outbuildings to the pub building.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Further information and clarification on a number of matters, including the management of the centre, opening hours, availability for the use of the community, and access and parking arrangements have been sought and received from the applicants. At the request of the case officer and the Ward Members, the applicants have held two public meetings regarding the proposals. Details of these, and a further meeting arranged by local residents, are provided in Section 6.0 below.

5.2 Following concerns from residents and Ward Members regarding the potential for overspill parking from the proposed centre in the lay-by opposite the parade of shops to the south of the site, the possibility of providing funding to fund a Traffic Regulation Order (TRO) for parking restrictions in the lay-by in the event that this becomes a problem has been suggested to the applicant. This would be on the basis that a sum would be provided to and held by the Council, and spent on a TRO only in the event that such overspill parking became a persistent problem, with the provision that this would be refunded to the applicant if not used within a specified period. However, on the basis of the level of parking proposed within the site, and that they are a charitable organisation, the applicants have expressed reservations about the need to provide additional funding, and this has not been pursued further.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

6.1 Both Councillor Harrand and Councillor Cohen have commented on the proposals, reflecting concerns raised by local residents regarding certain aspects of the scheme, as detailed below, but also noting the potential for the building to be a significant asset for the whole community. Both they and Councillor Buckley have requested that the application is referred to Plans Panel for a decision. The following concerns have been raised:

- Concerns regarding potential overspill parking in lay-by outside shops opposite and impact on shops as a result of customers being unable to park. Could a TRO be sought to limit parking in this lay-by?
- Sufficiency of parking within the site.
- Potential noise and disturbance for neighbouring residents resulting from hours of use and potential numbers of people using the building.
- Preparation of food within the building and potential odour.

- Need to ensure that access to the building and to the amenities and facilities it provides are available for all members of the local community.

Public Meetings

6.2

Although no public consultation was carried out by the applicants prior to the submission of the application, two public meetings have subsequently been arranged by them at the suggestion of officers and Ward Members, who attended the second of these meetings. Around 30 people are understood to have attended the first meeting, on 12th November 2012, and around 60-70+ attended the second on 10th December. The following issues were discussed:

- Background to UK Islamic Mission and their aims, including links and work with local schools, churches and synagogues, provision of youth facilities and free supplementary education classes for young people.
- Need for improved facilities for Asian women in the area.
- Discussion about whether another library was needed in the area – suggestion that this could be tailored towards younger children as well.
- Inclusion of prayer facilities suggested that building was a mosque rather than a community centre. Query as to whether people of other religions would be able to pray there and confirmation from applicants that they could do so if they wished to.
- Need for centre to develop links and work together with other community centres in the area, rather than duplicating provision which already exists.
- Concern that no female changing facilities for the gym and that people would be excluded from using it.
- Questions about how access to the centre for local people, Muslim and non-Muslim, would be ensured and concerns about the potential for tensions to arise if this were not achieved.
- Opportunity for members of the local community to be on the committee responsible for the running of the centre.
- Opening hours and late night opening – advice from applicant that as many of the activities were run by volunteers, this was when they were able to give up their time.
- Level of parking provision and concerns regarding existing traffic problems in the area, particularly around local schools – suggestion that any events were timed so as to avoid peak school pick-up and drop-off times.
- Lack of local involvement prior to submission of application, and concern raised locally about previous unauthorised development at the site.
- Concerns about campaign against the proposed centre, and racist language used in some aspects, including a Facebook campaign.

6.3

Planning officers and Councillor Buckley also attended a meeting organised by local residents on 4th September 2012, where the case officer briefly described the proposals and the decision making process for the application, and the following issues were raised and discussed:

- Existing traffic problems around nearby schools – request for case officer to visit at school collection times to see this. Potential for additional traffic associated with centre to worsen this, particularly in view of traffic problems around applicant's existing centre on Carr Manor Crescent.
- Capacity of building and health and safety issues.
- Late night opening hours.

- Need for dialogue with local community regarding facilities they feel are needed and concern that centre would not be available for use by local community and could result in tensions within the area.
- Potential for centre to become a mosque in future.
- Insufficient parking on site and possibility of overspill parking on surrounding residential streets – possibility of double yellow lines?
- Does centre have a travel plan?
- Lack of pre-application consultation with community by applicants.
- Unauthorised development which has taken place on site – concern that planning conditions on any permission for the centre would not be complied with.

Other public response

6.4

The application has been publicised by site notices, posted 17th August 2012. At the time of writing, around 380 letters of objection have been received. Any further representations received following the publication of the report will be reported verbally to Members at the Plans Panel meeting. The following concerns are raised:

- Not characteristic of residential area.
- Opening hours and noise for neighbours from cars, people talking outside the premises etc, particularly late at night.
- Inclusion of living quarters in the building mean it will be in use 24 hours a day.
- Disturbance from lights on building.
- Food odours and litter.
- Traffic, parking and highway safety – existing traffic and parking problems in the area, particularly around local schools, sometimes preventing buses from getting through, and with rat-running from Ring Road to King Lane – will worsen as a result of proposals, as will pollution.
- Lack of parking on site will lead to additional parking on street – difficulties for residents accessing their homes.
- Access to site not wide enough for 2-way passing.
- Safety of pedestrians, particularly children and elderly people living locally, from additional traffic.
- Impact on businesses/shops to the south of the site if customers are unable to park in lay-by opposite as a result of overspill parking from the centre.
- Centre won't be available for use by local community.
- Many visitors likely to come from outside the area and therefore won't walk to get there – additional traffic, and implications for community cohesion and safety.
- Likelihood of crime and vandalism to the building if use is brought into the area against the wishes of the local community.
- Lack of changing facilities for women – discrimination. Lack of diversity in management of centre.
- Application states numbers would be limited to 160, but building has capacity for greater numbers – how would this be enforced?
- Description as 'education and welfare centre' misleading. Concern about possible future change of use to a mosque.
- Lack of need for the proposed facility – already 2 existing mosques in close proximity, and relatively low Muslim population locally.

- Already a library and 2 existing community centres nearby [*one of which, formerly located opposite the site, has subsequently closed*]. No need for additional provision in this respect.
- Unauthorised development taken place at the site previously, and non-compliance with conditions at applicant's existing premises elsewhere in Leeds – concern that planning conditions would not be complied with.
- Quality of construction works to new wall – concerns about safety.
- Existing problems associated with similar centre on Carr Manors will be experienced here.
- Those supporting the application live outside the area.
- Site should be used for housing, a health centre, park or for a centre with activities for local children, all of which are needed in the area.
- Impact on property values.

6.5 264 letters of support have been received from local residents and from people in the wider area, including 79 copies of one standard letter of support and 181 copies of a second standard letter, both signed by individual householders. The following comments are made in support of the proposals:

- Building has been vacant and in disrepair for several years, and will be improved by being brought back into use for the community by a charity at no public expense.
- Developers already run several similar successful projects in cities across the UK, and centre will be an asset for the community.
- Will provide vital facilities for young people in the area in a safe environment.
- Opportunity for adults to meet new people and learn new skills.
- Gym facilities will be of benefit to those who cannot private gym membership, and will reduce vehicle journeys to gyms further afield.

6.6 It is understood that an anonymous letter has been circulated to local households encouraging residents to object to the proposals. Correspondence has been received from several residents raising concerns about the veracity of some of the statements made in this letter, and that it is likely to add to tensions within the community. Although officers have been made aware of this letter, it was not sent with the knowledge or authorisation of the local authority. In terms of the assessment of the application, whilst representations received from residents who became aware of the proposals having received it are noted and addressed here, the original letter itself was sent only to residents, and not submitted as a representation to the local planning authority, and has therefore been given no weight in the consideration of the application.

7.0 CONSULTATION RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

7.2 The site has a lawful use as a public house and could be brought back into use as such without requiring planning permission, with associated potential for the holding of functions etc catering for large numbers of patrons. There are substantial areas of hardstanding around the building, which would accommodate parking for 73 vehicles, according to the most recently submitted plans. The likely activities associated with the proposed use are unlikely to generate a high proportion on single

occupancy vehicle trips, and on the basis of this and the proposed schedule of accommodation, the level of parking provision is considered to be acceptable. On balance therefore, it is not considered that refusal of the application on highways grounds could be justified.

- 7.3 Some minor changes to the parking layout and to provide cycle parking were requested and have now been made, and the existing vehicular access onto Lingfield Hill, previously proposed to be stopped up and made into a pedestrian-only access, is now proposed to be retained as an exit route from the car park. The details as originally submitted also referred to a Travel Plan, which was not provided, however as the proposed use does not exceed the threshold at which a Travel Plan is required, this has not been requested, and references to this document have now been deleted.
- 7.4 The potential for restricting numbers of people on the premises has been considered, but on the basis of the proposed internal layout and capacity of the building and the amount of parking proposed on site, which is considered acceptable for the amount of floorspace proposed, it is not considered that a condition to this effect could be justified. However, this assessment is based solely on the levels and nature of accommodation proposed, and could change were these to change or increase in the future. Conditions are therefore recommended requiring the building to be laid out internally in accordance with the internal layout plans and the schedule of accommodation submitted in the design and access statement, and the parking to be marked out on site in accordance with the submitted site plan prior to the building being brought into use.
- 7.5 Concerns raised by Ward Members and local residents regarding the potential for overspill parking to take place in the lay-by outside the shops opposite the site are noted, and it is suggested that the applicant could provide funding (£5000) to allow for the provision of a Traffic Regulation Order for parking restrictions in this lay-by and/or surrounding streets were this to become a problem once the centre was open. This would be returned to the applicant if not used within a specified period – for example 10 years.

Noise and Environmental Protection

- 7.6 Concerns that unlike the previous use of the premises as a public house, likely to be regulated by more stringent licensing conditions, the proposed use is likely to have greater potential for noise nuisance for a number of reasons:
- Increase in number of people attending the premises throughout the week, and greater likelihood of arrival by car, with associated noise from doors slamming, engines, stereos etc;
 - Potential for intensive use of the premises if used for celebrations/functions such as weddings or religious festivals;
 - Use of premises late at night, particularly during Ramadan or at Eid for example;
 - Noise from within premises if PA systems used.
 - Potential for noise for neighbouring residents from people congregating outdoors when leaving, or if smoking in external areas.
- 7.7 In the light of the above, whilst having no objections to the proposals in principle, the Environmental Health Officer (EHO) has recommended that if permission is granted, this should be subject to a number of conditions in order to prevent noise nuisance and disturbance for neighbouring residents. These include:

- A scheme of sound insulation of the building itself to prevent noise travelling to external areas,
- Opening and delivery hour restrictions – opening hours recommended as 8.30am-11pm as applied for. However, some later opening during certain periods may be acceptable, during Ramadan and at Eid for example, to allow later prayer times which may occur at these times, but in these instances the centre should be managed in accordance with a noise management plan covering restrictions on visitor numbers and measures to prevent noise and disturbance to neighbouring residents.
- Prohibition of any marquees or temporary structures within the grounds.
- Provision of a 2m high close-boarded timber fence along the northern and eastern site boundaries to provide screening from adjacent car parking areas.

Access

7.8 Requested revisions to plans as originally submitted regarding design of steps, provision of level access to main entrance, and tactile paving adjacent to vehicular entrance from Lingfield Drive, all of which have now been included.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of the location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the consideration of this application.

8.2 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations, including amenity

SA7 – Access to housing, employment, education, community facilities etc for all sections of the community.

N25 – Boundary treatments

T2 – Highway safety

T5 – Access for pedestrians and cyclists

T6 – Access for disabled people and those with mobility difficulties

T24 – Parking

BD6 – Alterations to existing buildings

LD1 – Landscaping

Draft Core Strategy

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and

any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

- 8.4 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

National Planning Policy Framework

- 8.5 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Circulars and other relevant advice

- 8.6 Circular 11/95 – The Use of Conditions in Planning Permissions.

9.0 MAIN ISSUES

1. Principle of proposed use
2. Highway and pedestrian safety and access
3. Residential amenity
4. Visual amenity and landscaping
5. Community use of the building
6. Equality
7. Other issues

10.0 APPRAISAL

Principle of proposed use

- 10.1 The proposed use of the building includes religious/worship uses, community halls and education uses, as well as a gym. Whilst noting concerns regarding the suitability of a community use within a residential area, uses such as community centres, places of worship, village/community/church halls etc are not defined specifically as 'town centre' uses, and are common features of many residential areas. There is therefore no objection in principle to the intended use of the building for the purposes proposed, provided that the proposed use would not detract from highway and pedestrian safety in the area, from the amenities of neighbouring residents, or from the character and appearance of the surrounding area.
- 10.2 Concerns have been raised regarding the description of the proposed use as a 'community and welfare centre', and the potential for the building to be changed into a mosque without requiring planning permission. Requests have been made for conditions preventing the use of the building as a mosque. Whilst the use is not specifically described as a religious facility/place of worship in the submitted documentation, the proposals have been considered on the basis of the submitted plans and design and access statement, which detail the range and nature of uses proposed within the building. These uses do include a prayer room, and therefore it is clear that the building is to be used this purpose. The implications of the proposals in terms of highway safety and residential amenity which arise from these potential uses, as well as the other stated uses of the building, have all been taken into account in the consideration of the proposals.

10.3 Places of worship generally tend to provide a range of community, educational and other uses in addition to their religious/congregational use, including playgroups, community meetings, counselling and youth facilities. The current scheme also encompasses many of these uses, as well as the prayer facilities proposed. On balance therefore, it is considered that it would be difficult to define at what point a material change of use to a place of worship could be deemed to have occurred, or to precisely word a condition which would be enforceable on this basis. The specific concerns likely to arise from the use of the building for religious/worship purposes, such as community uses, traffic/parking and hours of use/residential amenity, are common to many community uses, and are considered in more detail below. In each case, specific conditions are suggested which, it is considered, would appropriately address the concerns arising in each of these respects, including a condition restricting the internal layout of rooms within the building to that which has been applied for, on highway safety grounds. In the light of this and the advice in Circular 11/95, it is not considered that a condition specifically preventing the use of the building as a place of worship or restricting it to a particular use within the D1 use class would meet the tests set out therein, or that there are exceptional circumstances specific to this site which provide justification for doing so in this instance.

10.4 Concerns that there is no need for such a facility in the local area, and suggestions that the site should be used for other purposes, such as housing, a park, or youth facility are noted, but are not matters to which significant weight can be attached in the determination of the application or on which refusal of the application could be based. Whilst other potential uses for the site may exist, the local planning authority has a duty to determine the application before it on its own merits, taking into account the material planning implications of the particular development or use proposed, together with relevant planning policies and guidance relating to those proposals, and cannot refuse permission for a development considered acceptable on its own terms solely because alternative uses may also exist for the site.

Highway and pedestrian safety and access

10.5 The concerns raised by many local residents and by the Ward Members with regard to traffic, parking and highway safety arising from the proposed use are noted.

10.6 Many residents have referred to existing on-street parking problems in the area, particularly around nearby schools at pick-up and drop-off times, and to parked vehicles obstructing bus routes at certain times. Concerns have been raised that the proposed centre would generate additional on-street parking which would exacerbate these existing problems. One of the key issues to consider in the assessment of the current proposals is therefore whether the site has sufficient capacity to accommodate the parking requirements of the proposed centre without creating further overspill parking on surrounding streets.

10.7 On the basis of experience of similar uses elsewhere in the city, the highways officer has advised that the proposed use is unlikely to generate a high proportion of single occupancy vehicle trips, and that a greater proportion of visitors arriving by car are likely to come with someone else or in groups. In the light of this, and taking into account the proposed layout of the building, and the level of floorspace proposed for use by visitors (excluding the caretaker's flat, toilets, storage areas etc), the highways officer has advised that the provision of 73 car parking spaces within the site is considered to be an appropriate level of parking for the proposed use. Whilst acknowledging that the building has been vacant for a number of years since the former pub use ceased, and that it is likely to have been sometime since the use was operating at its fullest capacity, the lawful (A4) use of the building as a public

house nonetheless remains a material consideration to which some weight must be attached when assessing any subsequent proposal for a change to this use. The submitted details advise that there are 57 spaces on site at present, which would be around the appropriate level of provision – on the basis of current parking guidelines – for the level of A4 floorspace associated with the lawful use were this to recommence. The proposals would open up more of the building to public use than was the case during its use as a pub, but would also provide additional parking within the site to a level considered acceptable by the highways officer. In the light of this and on the basis of the floorspace and parking layouts shown on the submitted plans, it is considered that the level of parking proposed within the site would be sufficient for the proposed use without significantly adding to existing levels of on-street parking, and that refusal of the application on these grounds could therefore not be justified.

- 10.8 Consideration has been given as to whether it would be appropriate to restrict the number of visitors to the centre. However, on the basis of the plans submitted, the layout and amount of useable space open to visitors within the centre is such that, even were all ‘public’ areas (excluding the caretaker’s flat, storage areas etc) to be fully occupied at once, the level of parking proposed within the site would be sufficient to accommodate this. In the light of this, it is not therefore considered that such a condition would be reasonable. However, if the internal layout of the building to be changed – for which planning permission would not usually be required – and, for example the caretaker’s flat were to be deleted and made available as a further public area, the capacity and therefore the parking requirements are likely to increase. In the light of this, and in view of the existing on-street parking problems in the vicinity of the site, the local planning authority would therefore wish to retain control over any subsequent expansion of public areas within the building or changes to the layout and nature of the accommodation therein, to allow parking and traffic implications to be considered fully in the light of this. A condition is therefore recommended as part of any permission requiring the building to be laid out fully in accordance with the submitted plans, and preventing any subsequent changes to the layout and nature of accommodation within the building without planning permission.
- 10.9 Concerns have also been raised that the proposed use would significantly increase traffic volumes in the area. At present, the building is empty and has been for some time. Any subsequent re-use or redevelopment of the site will therefore result in an increase in traffic beyond that associated with its present use, which could be considerable in view of the size of the site, even if redeveloped for a relatively low intensity use such as housing. Whilst noting residents observations about existing traffic problems in the area, including rat-running through the estate from the Ring Road and Harrogate Road to King Lane, and safety concerns arising from parking and traffic around nearby schools, these are existing problems, and the highways officer has not raised specific concerns that any of these would be unacceptably worsened by the proposed use. In the light of this, and on the basis that the levels of off-street parking proposed for the centre are considered to be acceptable as discussed above, it is not considered that refusal of the application on the grounds of highway safety could be substantiated.
- 10.10 Revised plans have been received during the course of the application showing improvements to steps within the site, the provision of an access ramp to the building’s main entrance, and tactile paving on the pavement to either side of the site access onto Lingfield Drive, in response to concerns raised by the Access Officer regarding the proposals as originally submitted. On the basis of these revised plans, and subject to conditions requiring details of the design, gradient,

specification etc of the proposed ramp and design, materials and colour of any handrails to the ramp and steps, the proposals are considered acceptable in terms of providing appropriate access to the building for all visitors.

- 10.11 In the light of the above it is considered that the proposals are acceptable on highway safety grounds. Conditions are recommended requiring the parking to be marked out on site and cycle parking to be provided in accordance with the submitted plans before the use of the building commences. A condition is also recommended preventing the use of the building for weddings and other functions, to minimise the likelihood of 'peak' traffic and parking generating events in the interests of both highway safety and residential amenity.
- 10.12 The Ward Members and a number of local residents have raised concerns regarding the potential for overspill on-street parking around the site, particularly in the lay-by outside the shops opposite, which could prevent customers parking and have an impact on these businesses as a result, as well as worsening existing on-street parking problems in the area. Advice in this respect has been sought from the Council's traffic section, who have suggested that a contribution of £5000 towards a 'deferred' TRO – to be spent only in the event that on-street parking from the centre were to become a significant issue – could be a means of seeking to address this in the event of future problems arising. However, in view of the levels of parking proposed within the site, and as they are a charitable organisation, the applicants have expressed reservations about the need to provide further funding in this respect. On the basis that there is considered to be sufficient parking within the site for the uses and floorspace proposed, the proposals are considered to be acceptable as submitted, and it is not considered that the absence of such a contribution is sufficient to justify refusal of the application. This matter has therefore not been pursued further.
- 10.13 Queries have been raised as to whether a Travel Plan is to be produced for the proposed centre. Whilst reference was made to such a document in the original design and access statement, the proposals fall below the threshold at which a Travel Plan is required, and references to this have subsequently been deleted. No further details have therefore been sought in this respect.

Residential amenity

- 10.14 Concerns raised by local residents regarding the impacts of the proposed centre on the amenities of nearby residents in terms of increased noise and disturbance, with particular reference to the proposed opening hours, are noted. Concerns have also been raised about the potential for odour from the cooking of food on the premises, litter and disturbance from lighting on the building.
- 10.15 The nearest residential property to the site is 82 Lingfield Drive to the east of the site, whose side elevation faces the site and whose private rear garden adjoins the site's car parking area. The distance between the application building and the boundary with this neighbouring property is around 19m, with a further 2.5m to the side elevation of the neighbouring dwelling itself. The dwelling immediately to the north of the site on Lingfield Hill is separated from the boundary with the car park by a narrow footpath leading to the area of greenspace to the east. The distance between the application building and this neighbouring property's garden boundary is 26m, with a further 12m to the side elevation of this neighbouring property itself. The flats and houses facing the site on the opposite side of Lingfield Hill to the west, and those on the opposite side of Lingfield Drive to the south, are around 40m away from the application building.

- 10.16 Whilst acknowledging that certain aspects of the proposed use have the potential to generate noise and disturbance, the Environmental Health Officer (EHO) has advised that they have no objections to the proposals in principle, and that they are satisfied that the concerns raised could be addressed through the imposition of various conditions. These include opening and delivery hours restrictions, restrictions to minimise the use of outdoor areas, screen fencing adjacent to neighbouring properties, details of any lighting and extraction/air conditioning equipment, and the provision of litter bins within the site.
- 10.17 One of the principal concerns raised by neighbouring residents relates to the proposed late night opening of the premises until 11pm, with the possibility of later opening until midnight at certain times, for late night prayers during the month of Ramadan for example. On the basis of the details submitted, the EHO has advised that they have no objections to the proposed use of the building until 11pm, particularly in the light of the building's lawful use as a public house with no opening hours restrictions.
- 10.18 It is noted that the surrounding area is predominantly residential in character, and that background noise levels are therefore likely to be lower beyond 11pm, when the take-away in the parade opposite closes, traffic reduces and buses stop running. However, it is noted that the existing building has a lawful use as a pub, with no restrictions on its opening hours at present were it to be brought back into use as such, and although unused for some time, some regard nonetheless must be had to this lawful fallback position in considering the merits of the current proposals.
- 10.19 At those times during Ramadan when the building is proposed to open for an additional hour until midnight, the applicants have confirmed that activities within the building would be confined solely to the prayer room area and that visitor numbers would be limited to no more than 65 at these times. The use of the building at these times is likely to be limited to congregational prayer, which in view of its enclosure within the building – over 25m from the nearest neighbouring property, is not likely to have significant implications for neighbouring residents. The main impacts from this later use of the building are therefore likely to arise from people leaving the premises, either from people congregating and talking outside the building, or from vehicle engines in the parking area.
- 10.20 Circular 11/95 advises that refusal of an application should only be considered where any negative impacts could not be satisfactorily addressed through the use of conditions. In view of the relatively small number of days each year when the extended opening hours would apply, and the reduced visitor numbers at these times, it is considered that it would be difficult to justify refusal of the application on the grounds that this would create a significant and persistent level of noise and disturbance for neighbouring residents. Having reviewed this aspect of the proposals with the Environmental Health Officer, it is considered that it would be more appropriate on balance for the use of the building at these times to be subject to a noise management plan, including measures by centre staff/volunteers to encourage visitors to leave the premises quickly and quietly once prayers have ended, and preventing people from congregating in external areas. It is therefore recommended that permission is granted, subject to a condition requiring such a plan to be submitted and approved, and the hours of late night opening to be managed in accordance with this plan.
- 10.21 Concerns regarding the potential for odour from cooking on the premises are noted. Whilst the proposed centre includes a kitchen, the applicants have confirmed that its use would remain ancillary, and that it is not proposed to operate a commercial café

as part of the use of the site. The kitchen is proposed to be located in an internal room within the building, and in view of its relative size and proposed ancillary use, it is not considered that it would have significant implications in this respect.

Conditions are recommended requiring details of any necessary extraction/ventilation equipment to ensure that these are appropriate and treated with appropriate sound and odour mitigation measures to prevent harm to the amenities of neighbouring residents.

- 10.22 The Environmental Health Officer has raised no objections on the basis of the lighting details submitted for the building. Conditions in this respect are recommended to ensure that these are positioned (and screened as necessary) to prevent light spillage and glare into neighbouring properties, and preventing the installation of any further lighting on the site unless details are first submitted to and approved by the local planning authority.

Visual amenity and landscaping

- 10.23 No external alterations are proposed to the building itself, although some works are proposed to the external areas, including the provision of a new access ramp to the main entrance, and works to upgrade the steps between the entrance and the parking areas to the north, external paving etc. These changes are all relatively minor, and subject to conditions regarding the design of the access ramp, handrails etc, it is not considered that the proposals would detract from the visual character of the area. As many of those writing in support of the application have noted, the proposals would bring a building which has been vacant for a considerable period of time back into use, also making a positive contribution to the visual appearance and character of the site.
- 10.24 The majority of the unauthorised palisade fencing has now been removed from the site frontages along Lingfield Drive and Lingfield Hill, and works to replace this with a new/extended wall and railings – as approved in January 2012 – have now commenced. As part of the current application, it is proposed to replace the existing palisade fencing along the northern and eastern boundaries of the site, between the parking areas and adjacent properties and gardens, with close-boarded timber fencing. It is considered that as well as providing a more appropriate solid screen to the parking areas, this replacement boundary treatment would take the opportunity to improve the character of the site by replacing those remaining sections of fence which, although permitted development and therefore immune from enforcement action, are nonetheless incongruous and uncharacteristic of this residential area at present. This aspect of the proposals is therefore supported, and a condition requiring the palisade fence to be replaced with this close-boarded fencing prior to the building being brought into use is recommended.
- 10.25 At around the time of the erection of the unauthorised fencing, a number of mature trees were removed from the north eastern corner of the site. As part of the application to bring the building back into use, the applicants have been encouraged to provide new planting between the parking areas and the northern and eastern boundaries, and revised plans to incorporate this have been received. The planting of new trees and shrubs in these areas would be of benefit both in providing additional screening and softening of the parking areas from neighbouring residential properties, and in taking the opportunity to improve the character and quality of the site by providing compensatory planting to offset the harm to this character which was caused by the loss of these former trees. Conditions are recommended as part of any permission requiring detailed planting plans, implementation timetables and management details for these new areas of planting for a period of 5 years, to ensure that these become successfully established and

retained within an appropriate timescale. Subject to these and the conditions referred to above, the proposals are considered to be appropriate in terms of visual amenity.

Community use of the building

- 10.26 Concerns have been raised by many local residents that the building may not be made available for the use of the wider community and in particular those residents living in the immediate surroundings of the site, and that the development may lead to tensions within the community, and crime and vandalism being directed at the building as a result.
- 10.27 One of the strategic aims (SA8) of the UDP seeks to ensure that safe and easy access to social, community and leisure facilities is made available to all sections of the community. Whilst material to the consideration of planning proposals, this aim is an aspiration which the Council's planning policies seek to deliver, and something which is to be encouraged as part of planning proposals, but does not carry the same weight as those policies themselves in the decision making process.
- 10.28 As noted by many of those writing in support of the application, the proposed centre has the potential to be a considerable asset to the local community, providing facilities for young people, meeting spaces for community groups, gym facilities for local residents etc. Whilst noting that the proposed centre would be a private facility, not operated in conjunction with the local authority, it is nonetheless considered important, in the light of strategic aim SA8, to encourage the availability of these potential benefits for the use of the local community as far as possible.
- 10.29 In view of this, further details have been sought from the applicants as to how the centre would be publicised and managed to encourage its use by the local community in the surrounding area. They have confirmed that facilities within the centre would be available to all local residents, with amenities such as the IT suite, job search facilities and the gym available on a drop-in basis, and the opportunity for local groups to hire the community rooms on a one-off or regular basis, with discounts for groups based in the LS17 postcode area. Whilst, as many residents have noted, the proposed gym would have only one changing area, this is not marked specifically as a male changing area on the plans, and on the basis of the submitted details, which advise that this would be operated to have separate men's and women's days (with opening depending on staff/volunteer availability), it is presumed that this could be used by whoever was using the gym on a given day. A website for the centre is proposed, together with a notice board publicising the services available (subject to a separate advertisement consent application as necessary).
- 10.30 On the basis of these commitments, and in the light of the aims of the development plan policy in this respect, a condition requiring the centre to be operated in accordance with the details and principles set out in the design and access statement is recommended, in order to maximise the opportunities provided by the centre as an asset for the local community.

Equality

- 10.31 The proposals have been made by a particular religious group, and include prayer facilities for that group. A number of comments have been received making reference to this and to aspects of the ethnic and religious background of the applicants. The application has been determined on the basis of planning policies and guidance which have been subject to relevant equality assessments and involvement processes, and, as noted above, in the light of strategic aims within the

adopted development plan which seek to ensure the provision of and access to community facilities for all sections of the population. Comments or objections relating to the perceptions or opinions held by individual residents relating to a particular religion or its adherents are not material planning issues and have not been given any weight in the determination of the application, which has been assessed solely on its planning merits and in the light of this policy and guidance.

Other issues

- 10.32 Many residents have raised concerns that no public consultation was carried out by the applicants prior to the submission of the application. Following concerns in this respect, the applicants were encouraged to hold a public meeting following the submission of the application, and two such meetings were subsequently held, the latter of which was attended by the Ward Members and the case officer. Presentations were provided by the developer, followed by question and answer sessions at which various concerns and suggestions were discussed. The details of these are included in section 6 above.
- 10.33 Health and safety concerns regarding the capacity of the building and the quality of construction works are noted. In the event that permission is granted for the proposed use, this would not absolve the applicants from compliance with other relevant legislation in these respects, including Health and Safety and Building Regulations, and an informative note to this effect is recommended as part of the decision.
- 10.34 Concerns have been raised regarding previous unauthorised developments at the site, and that if permission is granted, any conditions may not be complied with. The unauthorised fencing has previously been the subject of enforcement action, and the majority of this has subsequently been removed. In considering whether conditions are appropriate as part of any permission for the use now proposed, regard has been had to the tests set out in Circular 11/95, including the requirement that any conditions are enforceable. The conditions suggested above are considered to meet these tests, and any breach of these would be referred to the Council's compliance section to take any action considered to be expedient and proportionate to the scale and nature of the breach.
- 10.35 The impact of a development or proposed use on property values is not a material planning consideration and can be given no weight in the consideration and determination of the application.

11.0 CONCLUSION

- 11.1 In the light of the above, and having regard to the benefits of the proposals in terms of bringing a vacant building back into use, balancing these against the potential implications of the proposals, it is considered that the proposed development is acceptable, and that any concerns raised could be satisfactorily addressed through the use of conditions relating to various aspects of the development and the management of the proposed centre. In the light of advice from consultees, and subject to the conditions suggested above therefore, it is considered that the proposed use would be acceptable in terms of visual and residential amenity and highway safety, and it is recommended that the application is approved.

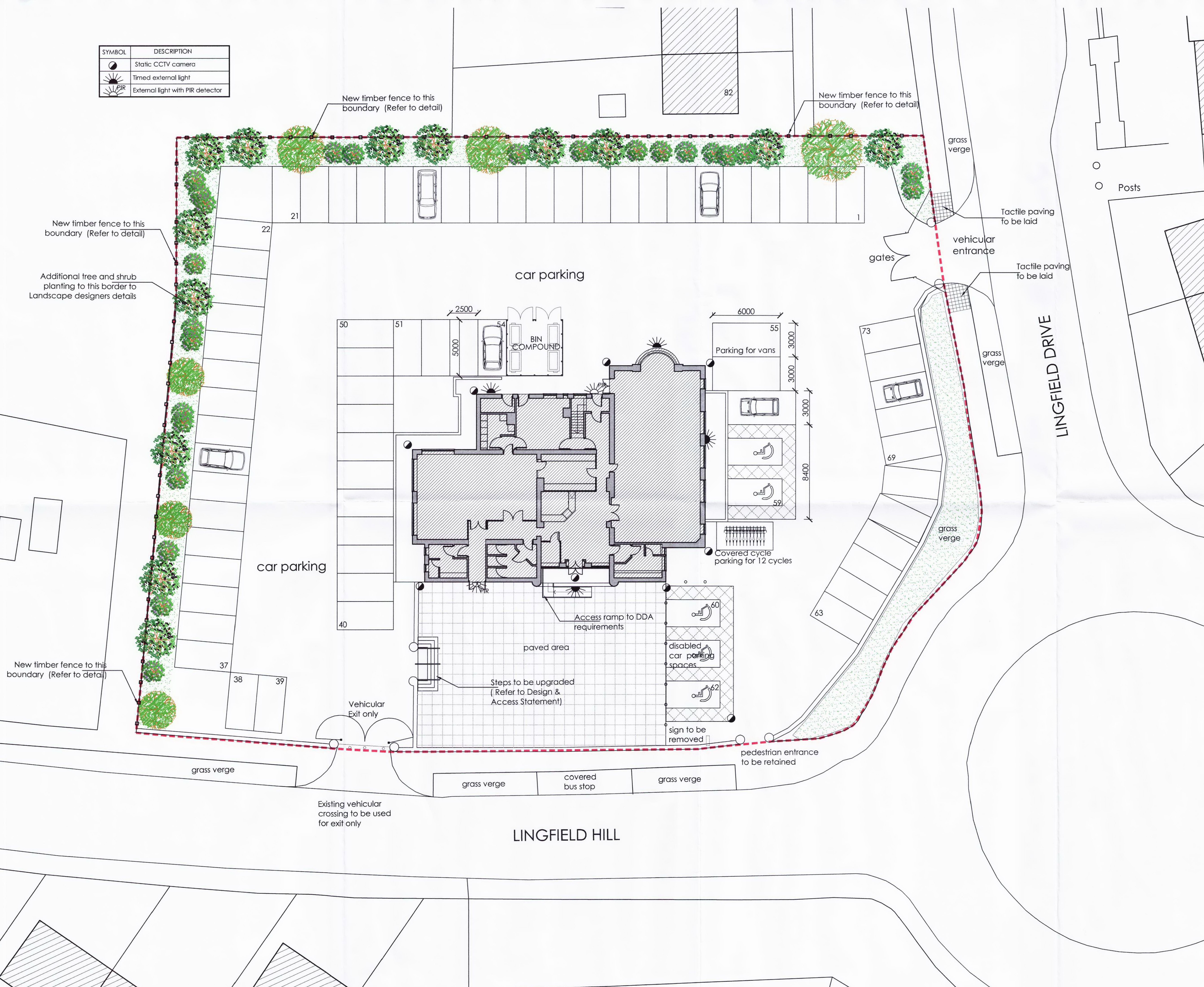
Background Papers:

Application file and history files 11/03719/FU and 11/00308/FU.

Certificate of Ownership: Signed on behalf of applicant.

SYMBOL	DESCRIPTION
	Static CCTV camera
	Timed external light
	External light with PIR detector

LEEDS CITY COUNCIL
25 JAN 2013
REVISED



SCANNED

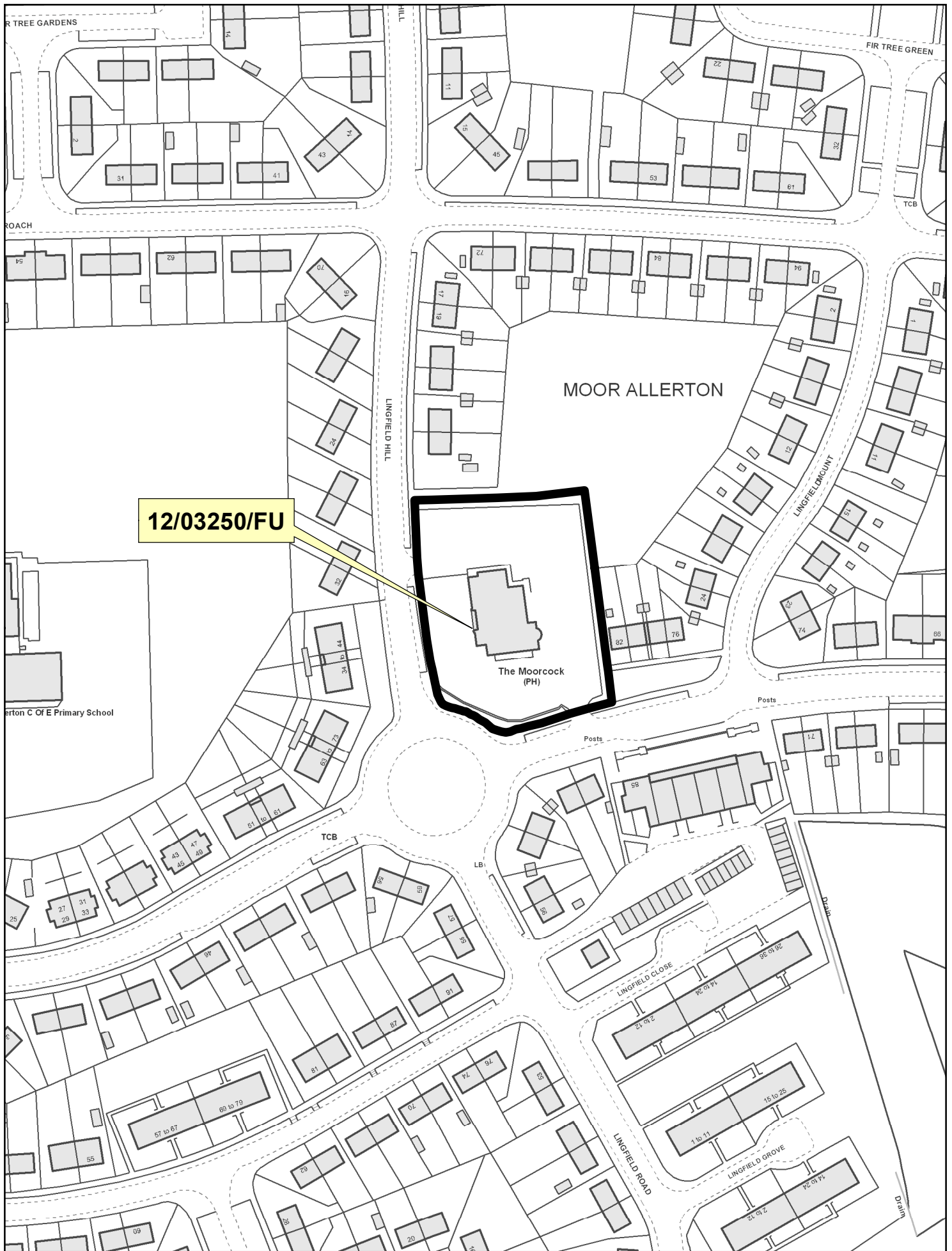
C. Lingfield Hill entrance amended
B. Fencing, Landscaping, CCTV & Lighting added
A. Disabled & Transport Requirements added

ISSUED FOR:
PLANNING PERMISSION USE

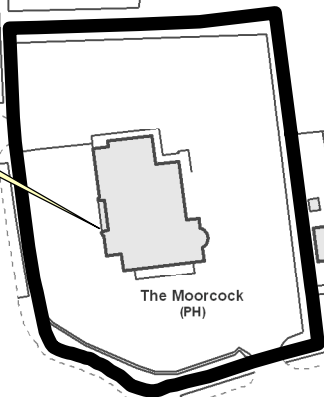
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PROPOSED CHANGE OF USE TO COMMUNITY FACILITIES.
THE FORMER LINGFIELD PUB
LINGFIELD DRIVE
LEEDS
LS17 7EL
SITE PLAN AS PROPOSED

DATE: July 2012	DRAWN BY: P.P.
SCALE(S): 1:150	DRAWING NO.: 11-119/P/03
	REV: C



12/03250/FU



The Moorcock
(PH)

NORTH AND EAST PLANS PANEL

